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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT ROYCE BYFORD,

Petitioner,

vs.

JEREMY BEAN, *et al.*,

Respondents.

Case No. Case No. 3:11-cv-00112-JCM-CSD

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO RESPOND
TO REPLY AND TO MOTIONS FOR
EVIDENTIARY HEARING AND
DISCOVERY (ECF NOS. 209, 210, 211)**

(FOURTH REQUEST)

(DEATH PENALTY)

Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, hereby move this Court for an enlargement of time of forty-five (45) days from the current due date of March 14, 2025, up to and including April 28, 2025, in which to file their responses to Petitioner's reply (ECF No. 209), motion for discovery (ECF No. 210), and motion for evidentiary hearing (ECF No. 211).

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1 This motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice
2 and is based upon the attached declaration of counsel. This is Respondents' fourth request for
3 enlargement of time to file the responses, and the request is brought in good faith and not for the purpose
4 of delay.

5 DATED: March 14, 2025.

6 Submitted by:

7 AARON D. FORD
8 Attorney General

9 By: /s/ Erica Berrett
10 Erica Berrett (Bar. No. 13826)
11 Senior Deputy Attorney General
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DECLARATION OF ERICA BERRETT

I, ERICA BERRETT, hereby declare, based on personal knowledge and/or information and belief, that the following is true:

1. I am a Senior Deputy Attorney General in the Post-Conviction Division of the Office of the Nevada Attorney General. I make this declaration on behalf of Respondents' motion for enlargement of time.

2. The deadline to file the responses to the reply and the motions for evidentiary hearing and discovery is currently March 14, 2025. I have been unable with due diligence to timely complete these pleadings. Therefore, I am requesting a 45-day extension of time, up to and including April 28, 2025, to file the responses.

3. This motion is made in good faith and not for the purpose of delay.

4. Since Respondents' previous request for enlargement of time in this case, I have had to work on other federal habeas matters, including filing a motion to dismiss in *Voss v. Russell*, 3:19-cv-00197-MMD-CLB, and an answer in *Luster v. Dzurenda*, 2:23-cv-01311-RFB-BNW. In *Voss*, this Court had cautioned against further extensions, and in *Luster*, the pro se petitioner expressed opposition to extensions. Therefore, I had to prioritize those matters.

5. As I have discussed in Respondents' previous requests for enlargement of time, I have had ongoing medical issues requiring four surgeries in the last six months. I have a fifth surgery anticipated within the next two weeks, which is expected to be the final surgery for my treatments at this time. The medical appointments and recovery time for each of these procedures has limited me from working the significant number of overtime hours that are typically necessary for me to manage my caseload. With the completion of my final surgery within the next few weeks, I expect to be able to work my normal overtime hours again.

6. I contacted Petitioner's counsel regarding this request. Counsel does not oppose this enlargement of time.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of Time to File Response to Reply and to Motions for Evidentiary Hearing and Discovery (ECF Nos. 209, 210, 211) (Fourth Request)* with the Clerk of the Court by using the CM/ECF system on March 14, 2025.

The following participants in this case are registered CM/ECF users and will be served by the CM/ECF system:

Stacy M. Newman
Jocelyn S. Murphy
Emma L. Smith
Assistant Federal Public Defender
411 E. Bonneville Ave. Ste. 250
Las Vegas, Nevada 89101

/s/ C. Martinez
An employee of the Office of the Attorney General